

ROTHWELL, FIGG, ERNST & MANBECK

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APR 28 2005

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DATE: April 28, 2005

TO: Examiner E. Webman
U.S. Patent and Trademark Office
Fax: 571-273-8300

FROM: George Repper

OUR REF: 1194-199

SERIAL NO.: 10/988,805

Certificate of Facsimile

I hereby certify that this Resubmission is being transmitted via facsimile to Examiner Webman of the U.S. Patent and Trademark Office at fax number 571-273-8300.


George R. Repper, Reg. No. 31,414Number of Pages Including This Transmittal Sheet: 8If any problems in connection with this facsimile please contact: *Kim Bailey* at 202-783-6040.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 09/988,805
Applicant : GEISTLICH
Filed : November 20, 2001
TC/A.U. : 1617
Examiner : E. Webman
Confirmation No. : 8892

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APR 28 2005

Docket No. : 1194-199
Customer No. : 6449

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

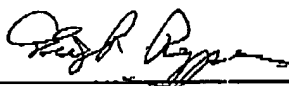
RESUBMISSION OF PREVIOUSLY FILED RESPONSE TO OFFICE ACTION

Sir:

During a telephone conversation on April 27, 2005, Examiner Edward J. Webman indicated to the undersigned that only a portion of the Response and Request for Reconsideration, with attachments, filed January 25, 2005 in the above-referenced matter, have been matched with the official file at the U.S. Patent and Trademark Office. In response thereto, Applicants are hereby submitting all of the papers filed on January 25, 2005, including a fee transmittal sheet, Response and Request for Reconsideration, Transmittal of Terminal Disclaimer and Terminal Disclaimer. Also submitted herewith is an acknowledgement of receipt of all of the above-referenced items, date stamped January 25, 2005 by the U.S. Patent and Trademark Office.

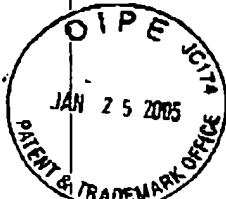
Respectfully submitted,

By



George R. Repper
Attorney for Applicants
Registration No. 31,414
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1194-199.rsp



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Rothwell, Figg, Ernst & Manbeck, 1425 K St NW, Ste 800, Wash, DC 20005 (202-783-6040)

PAT-Pending Prosecution-PTO Receipt

TO BE DATE-STAMPED BY THE U.S. PATENT AND TRADEMARK OFFICE AS ACKNOWLEDGMENT OF RECEIPT BY IT OF THE FOLLOWING:

X or ✓	Description	No. Pages or Sheets, if approp.	Dep. Acct. Copy (X or ✓)
	Transmittal Sheet or Cover Letter		
XX	Fee Transmittal Sheet	2	✓
	Amendment		
	Response		
XX	Response and Request for Reconsideration	1	
	CPA (continued prosecution application)		
	RCE (req for continued examination)		
	Substitute Specification (clean copy)		
	Substitute Specification (marked-up copy)		
	RQ for Approval of Drawing Corrections		
	Red-inked Drawing Sheets		
	Formal Drawing Sheets		
XX	Terminal Disclaimer and Transmittal	3	
	1.132 Declaration w/Exhibit(s):		
	Request for Extension of Time		
	Information Disclosure Statement (IDS)		
	Copy of Foreign Search Report		
	Copy of International Search Report		
	PTO 1449		
	Copies of references cited in IDS		
	Certified Copy(ies) of Priority Doc(s)		
	Substitute Inventor(s) Declaration		
	Change of Correspondence Address		
	PTOL-85 Issue Fee Transmittal		
	Notice of Appeal		
	Transmittal of Appeal Brief		
	Appeal Brief with Claims Appendix (in Triplicate)		
	Reply Brief in Triplicate		
	Request for Oral Hearing		

X	FEE(S) PAID: \$130	CHECK	X	DEP ACCT 02-2135
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IN REGARD TO

ATTORNEY DOCKET NO.: 1194-199	SERIAL NO.: 09/988,805
FIRST-NAMED INVENTOR: GEISTLICH	FILING DATE: 11-20-2001
ATTORNEY/ASSISTANT: GRR:krb	DUE DATE: 01-25-2005

Date-Stamp Here

3 of 10

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FEE TRANSMITTAL for FY 2005 (Small Entity)		Complete if Known		
		Application Number	09/988,805	
		Filing Date	November 20, 2001	
		First Named Inventor	GEISTLICH	
		Examiner Name	E. Webman	
		Group Art Unit	1617	
<input checked="" type="checkbox"/>	Applicant claims small entity status		Attorney Docket Number	1194-199
Total Amount of Payment (\$130.00)		Confirmation Number	8892	

METHOD OF PAYMENT (check one)

1. ☒ The Commissioner is hereby authorized to charge the fees indicated below or credit overpayment to Deposit Account Number 02-2135 in the name of Rothwell, Figg, Ernst & Manbeck
- ☐ Charge any additional fee required under 37 CFR 1.16 and 1.17 to Deposit Account No. 02-2135.
2. ☐ Payment by check enclosed

FEE CALCULATION

1. FILING, SEARCH AND EXAMINATION FEES

Code	Fee	Fee Description	Fee Paid
1001	150	Utility Filing Fee	[]
1111	250	Utility Search Fee	[]
1311	100	Utility Examination Fee	[]
1002	100	Design Filing Fee	[]
1112	80	Design Search Fee	[]
1312	65	Design Examination Fee	[]
1003	100	Plant Filing Fee	[]
1113	150	Plant Search Fee	[]
1313	80	Plant Examination Fee	[]
1004	150	Reissue Filing Fee	[]
1114	250	Reissue Search Filing Fee	[]
1314	300	Reissue Examination Fee	[]
1005	100	Provisional Filing Fee	[]

SUBTOTAL \$

2. CLAIMS

Total Claims	Extra Claims	Fee	Fee Paid
[] - 20*	[]	\$25 = []	[]
Independent Claims	[] - 3*	[]	100 = []
Multiple Dependent Claims	+	180 = []	[]

*or number previously paid, if greater

SUBTOTAL \$

3. APPLICATION SIZE FEE

Total Sheets [] - 100 = [] / 50 = []** x \$125
 = ** Number of each additional 50 or fraction thereof

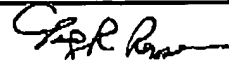
SUBTOTAL \$

FEE CALCULATION (continued)

4. ADDITIONAL FEES

Fee Code	Fee Paid	Fee Description	Fee Paid
1051	65	Surcharge - late filing fee or oath	[]
1052	50	Surcharge - late provisional filing fee or cover sheet	[]
1053	130	Non-English specification	[]
1812	2,520	For filing a request for reexamination	[]
1804	920	Requesting publication of SIR prior to Examiner action	[]
1805	1,840	Requesting publication of SIR after Examiner action (reduced by basic filing fee paid)	[]
1251	80	Extension for reply within first month	[]
1252	225	Extension for reply within second month	[]
1253	510	Extension for reply within third month	[]
1254	795	Extension for reply within fourth month	[]
1255	1,080	Extension for reply within fifth month	[]
1401	250	Notice of Appeal	[]
1402	250	Filing a brief in support of an appeal	[]
1403	500	Request for Oral Hearing	[]
1451	1,510	Petition to institute a public use proceeding	[]
1452	500	Petition to revive - unavoidable	[]
1453	1,500	Petition to revive - unintentional	[]
1807	50	Processing fee under 37 CFR 1.17(q)	[]
1806	180	Submission of Information Disclosure Statement	[]
1809	790	Filing a submission after final rejection (37 CFR .129(a))	[]
1810	790	For each additional invention to be examined (37 CFR 1.129(b))	[]
1801	790	Request for Continued Examination (RCE)	[]
1802	800	Request for expedited examination of a design application	[]
1504	300	Publication fee for early, voluntary, or normal publication	[]
1505	300	Publication fee for republication	[]
1455	200	Filing application for patent term adjustment	[]
1456	400	Request for reinstatement of term reduced	[]
1814	130	Statutory Disclaimer	[130]
Other fee (specify)			[]

SUBTOTAL \$130.00

SUBMITTED BY		Complete (if applicable)			
NAME AND REG. NUMBER	George R. Repper, Reg. No. 31,414				
SIGNATURE		DATE	January 25, 2005	DEPOSIT ACCOUNT USER ID	XXX

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Docket No. : 1194-199
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RESPONSE AND REQUEST FOR RECONSIDERATION


Sir:

In an Office Action dated October 25, 2004, claims 1-12, all of the claims in the above-identified U.S. patent application, were rejected under the judicially created doctrine of obviousness-type double patenting over claims 1-10 of commonly owned U.S. Patent No. 6,326,029. In response thereto, Applicants are submitting a terminal disclaimer, obviating the obviousness-type double patenting rejection. In view of the accompanying terminal disclaimer, withdrawal of the rejection of claims 1-12 is respectfully requested.

Applicants submit that the present application is now in condition for allowance. Reconsideration and favorable action are earnestly requested.

Respectfully submitted,

By


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